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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/577,287

04/28/2008

Ganta Hibata

12400-072

9647

757 7590 04/14/2010  
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EXAMINER

EDELL, JOSEPH F

ART UNIT

PAPER NUMBER

3636

MAIL DATE

DELIVERY MODE

04/14/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/577,287	<b>Applicant(s)</b> HIBATA ET AL.	
	<b>Examiner</b> JOSEPH F. EDELL	<b>Art Unit</b> 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,9,11 and 13 is/are rejected.
- 7) ☒ Claim(s) 3,5-8,10,12 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/4/08, 2/1/08, 7/24/06, 4/24/06</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by JP Publication No. 03-044060 to OKI Electric Ind. Co. Ltd. ("OKI").

OKI discloses a system that includes all the limitations recited in claims 1 and 2. OKI shows a system having a retractor 20 with a locking device and an acceleration sensor for actuating the locking device, an angle detection device, and a sensor controller responsive to the angle detection device that brings the acceleration sensor into an operable state enabling locking of the retractor when a reclined angle is within a range where the passenger wears a seat belt by a backrest initial position and bring the acceleration sensor into an inoperable state disabling locking of the retractor by the acceleration sensor when the reclined angle is within a range where the passenger does not wear the seat belt by the backrest being reclined forward about 10 degrees or more from the initial position and the range where the passenger wears the seat belt is a remaining range.

Claims 9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by JP Publication No. 03-148350 to Autoflug GmbH ("Autoflug").

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Autoflug discloses a system that includes all the limitations recited in claims 9 and 11. Autoflug shows a system having a retractor 12 with a locking device, an acceleration sensor for actuating the locking device, and a posture controller, an angle detection device, and an interlocking device, and a backrest 15 rotatably connected to a seat cushion wherein the acceleration sensor is mounted to the backrest, the angle detection device is a link mechanism disposed in a connecting portion between the backrest and the seat cushion, and the posture controller controls the acceleration sensor to be kept horizontal by means of the rotation of the interlocking mechanism.

Claim 11 uses "means of the rotation of the interlocking device," which fails to invoke 35 U.S.C. 112, sixth paragraph, because it does not meet the three prong analysis set forth in MPEP § 2181.

Claims 9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by JP Publication 01-202553 to Britax Kolb GmbH ("Britax").

Britax discloses a system that includes all the limitations recited in claims 9 and 11. Britax shows a system having a retractor 1 with a locking device, an acceleration sensor for actuating the locking device, and a posture controller, an angle detection device, and an interlocking device, and a backrest rotatably connected to a seat cushion wherein the acceleration sensor is mounted to the backrest, the angle detection device is a link mechanism disposed in a connecting portion between the backrest and the seat cushion, and the posture controller controls the acceleration sensor to be kept horizontal by means of the rotation of the interlocking mechanism.

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over OKI in view of U.S. Patent No. 5,495,993 to Hibata.

OKI shows a system that is basically the same as that recited in claim 4 except that the controller lacks a sensor deactivator, as recited in the claims. Hibata shows a system similar to that of OKI wherein the system has a sensor malfunction mechanism. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of OKI to include a sensor deactivator on the sensor controller, such as the system disclosed by Hibata. One would have been motivated to make such a modification in view of the suggestion in Hibata that the deactivator provides an inertia sensitive deactivator.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Autoflug in view of Hibata.

Autoflug shows a system that is basically the same as that recited in claim 13 except that the controller lacks a sensor deactivator, as recited in the claims. Hibata shows a system similar to that of Autoflug wherein the system has a sensor malfunction mechanism. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Autoflug to include a

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sensor deactivator on the sensor controller, such as the system disclosed by Hibata.

One would have been motivated to make such a modification in view of the suggestion in Hibata that the deactivator provides an inertia sensitive deactivator.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Britax in view of Hibata.

Britax shows a system that is basically the same as that recited in claim 13 except that the controller lacks a sensor deactivator, as recited in the claims. Hibata shows a system similar to that of Britax wherein the system has a sensor malfunction mechanism. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Britax to include a sensor deactivator on the sensor controller, such as the system disclosed by Hibata. One would have been motivated to make such a modification in view of the suggestion in Hibata that the deactivator provides an inertia sensitive deactivator.

***Allowable Subject Matter***

Claims 3, 5-8, 10, 12, and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (571) 272-6858. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Joseph F Edell/  
Primary Examiner, Art Unit 3636  
April 14, 2010